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SERVICE DATE - OCTOBER 17, 2003

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-307 (Sub. No. 4X)

**Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption –
in Albany County, WY**

BACKGROUND

In this proceeding, Wyoming and Colorado Railroad Company, Inc. (WYCO) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for WYCO to abandon 1.12 miles of rail line located between Milepost 0.19 and Milepost 1.31 in Laramie, Albany County, Wyoming. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, WYCO will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to WYCO, the line was constructed after 1903 as part of the Laramie, Hahn's Peak and Pacific Railroad Company. On May 12, 1914, the Laramie, Hahn's Peak and Pacific Railroad Company was sold at foreclosure to the Colorado, Wyoming and Eastern Railway Company, which was acquired by the Union Pacific Railroad Company (UP) in December, 1951. WYCO acquired the Coalmont Branch, extending from Milepost 0.19, at Laramie, to Milepost 108.0, near Hebron, Colorado, from UP in 1987.

WYCO states that there has been no local traffic on the line for at least two years. No overhead traffic moves over the line. The line was previously used to serve a customer located on the adjacent track owned by UP. That former customer of WYCO will continue to have access to rail service over the UP line.

According to WYCO, the line traverses a predominately rural area. The line traverses a high plains area passing next to the Wyoming Territorial Park within the city limits of Laramie. The vegetative cover on the adjacent land, as well as on most of the right-of-way, is Native Grasses. The right-of-way is approximately 100 feet in width. To the best of WYCO's knowledge, the property underlying the right-of-way is held in fee ownership. The line does not contain federally granted rights-of-way. The right-of-way will revert to the adjacent land owners, to the extent that the right-of-way is reversionary, or will be sold by WYCO to the adjacent land owners, to the extent that the right-of-way is owned in

fee. In either event, the most likely party to gain ownership will be the Wyoming Territorial Park which is located adjacent to the line.

WYCO states that there is one railroad bridge structure along the line located at Milepost 0.71. According to WYCO, a completely new bridge over the Big Laramie River was built in 1952. That bridge subsequently burned down in 1959 and the current West Laramie bridge was built completely new that year. WYCO has obtained a 1963 UP bridge report which confirms that the current bridge was constructed in 1959.

The bridge and a section of the right-of-way were donated to the City of Laramie for inclusion in their walking/biking path. Without the prior knowledge of WYCO, the City of Laramie removed a portion of the rail and crossties on the line when constructing a public street through the right-of-way. The city is currently using the bridge and a portion of the right-of-way for a trail. Upon receiving authority to abandon the line, WYCO intends to remove the remaining rail, track material, and crossties.

ENVIRONMENTAL REVIEW

WYCO submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. WYCO served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey has advised us that one geodetic station marker has been identified that may be affected by the proposed abandonment.

The State of Wyoming, Department of Environmental Quality in Cheyenne, Wyoming has indicated that the proposed abandonment would not require permitting under Section 402 of the Clean Water Act as long as there is no disturbance of land. If the abandonment involves the disturbance of more than one acre of land, a stormwater permit will be required. Accordingly, if the abandonment involves the disturbance of more than one acre of land, we will recommend a consultation condition requiring that WYCO contact the State of Wyoming, Department of Environmental Quality prior to commencement of any salvage activities on this project to discuss stormwater permitting requirements.

The United States Department of the Interior, Fish and Wildlife Service in Cheyenne, Wyoming has indicated that, based on the project description and location, it appears that this project will not adversely affect any federally listed endangered species. In addition, the project, as proposed, is unlikely to result in the take of migratory birds and therefore is not likely to result in a violation of the Migratory Bird Treaty Act. If any raptor nests are located within 0.5-mile of the project site (or within 1 mile for bald eagles and ferruginous hawks), we will recommend a consultation condition requiring that

WYCO contact the United States Department of the Interior, Fish and Wildlife Service prior to commencement of any salvage activities on this project to evaluate potential impacts to these species.

HISTORIC REVIEW

WYCO submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. WYCO served the report on the Wyoming Department of State Parks and Cultural Resources, State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO's research shows that the bridge located at Milepost 0.71 has already been extensively modified and incorporated into the walking/biking path in the City of Laramie greenbelt. In addition, most of the rail line has already been removed, with portions of the old railroad grade incorporated into the greenbelt. There is no evidence that the bridge was ever evaluated for its eligibility for listing in the National Register of Historic Places prior to becoming part of the greenbelt, thus the undertaking constitutes an adverse effect. Consultation is necessary in order to discuss ways to reduce or eliminate the adverse effects. If a means to mitigate or avoid the adverse effects cannot be found, further consultation with the Advisory Council on Historic Preservation may be required. Appropriate mitigation by WYCO may be the installation of an interpretive sign at the site of the bridge describing the history of the Laramie-Hahn's Peak rail line.

CONDITIONS

We recommend that the following four environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment. Therefore, WYCO shall notify NGS 90 days prior to salvage activities in order to plan its relocation.
2. If the proposed abandonment will involve the disturbance of more than one acre of land, WYCO shall, prior to any salvage activities, consult with the State of Wyoming, Department of Environmental Quality to discuss stormwater permitting requirements.
3. If any raptor nests are located within 0.5-mile of the proposed abandonment (or within 1 mile for bald eagles and ferruginous hawks), WYCO shall, prior to any salvage activities, consult with the United States Department of the Interior, Fish and Wildlife Service in Cheyenne, Wyoming, to evaluate potential impacts to these species.
4. Pending resolution of the issues raised by the Wyoming Department of State Parks and Cultural Resources, State Historic Preservation Office (SHPO), WYCO shall retain its interest in and take no steps to alter the historic integrity of the property until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-307**

(Sub No. 4X) in all correspondence addressed to the Board. If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

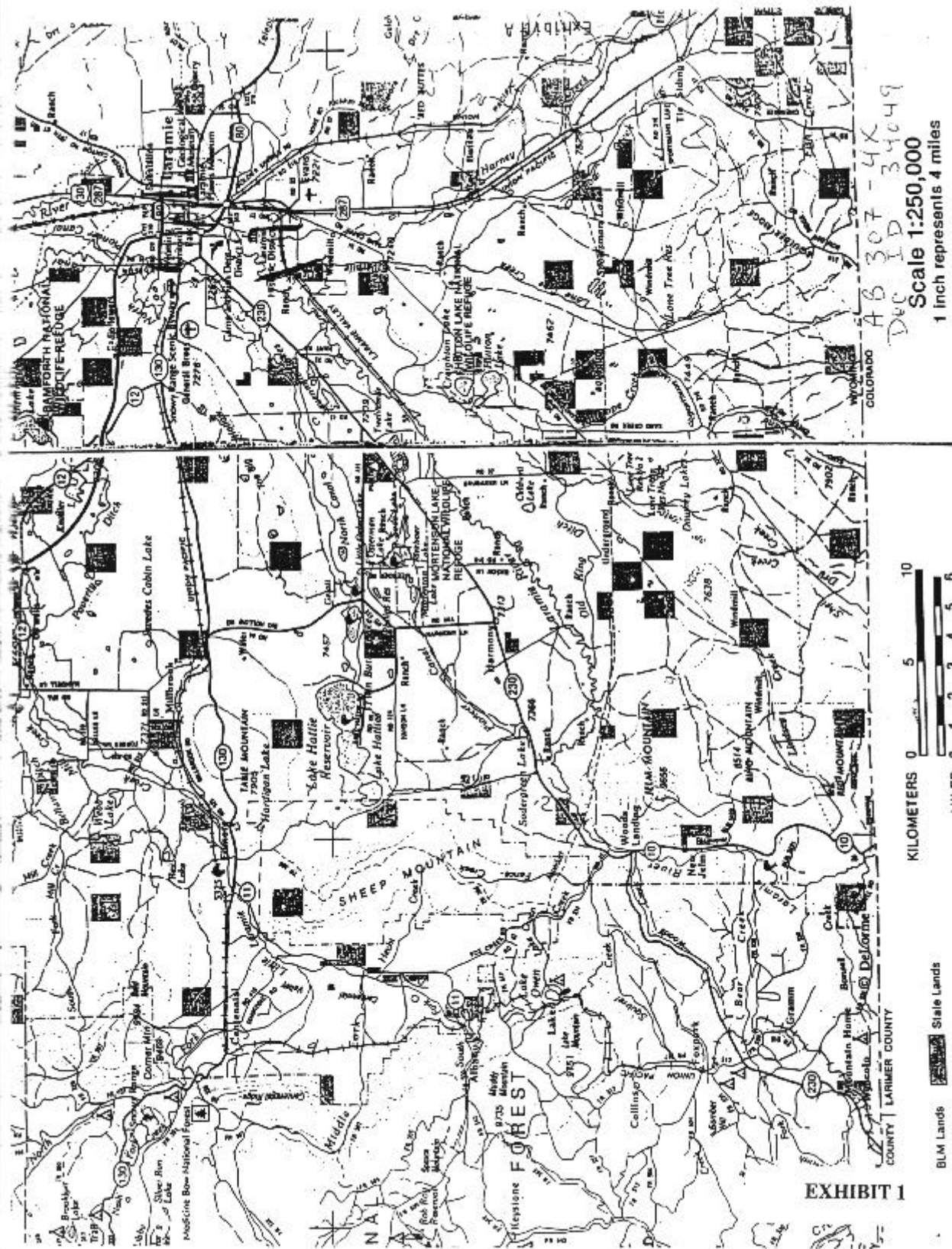
Date made available to the public: October 17, 2003.

Comment due date: **November 3, 2003 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment



AB 307-4X
Dec ID 34049
Scale 1:250,000
1 inch represents 4 miles